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Applicants submit this Amendment and Reply in response to the Office Action mailed August 25, 2004. This response is being filed within the three month shortened statutory period for response.

The specification has been amended at page 1 to include a government rights clause and specify the government contract under which subject matter was supported.

Claims 1-5, 7-10, 13-21, 35-44, 46-58, 60-69 and 74-95 were pending and considered by the Examiner in the August 25, 2004 Office action. Claims 1-10, 13-21, 36-44 50-58, 60, 61, 65-68, 75-85 and 95 have been allowed. Claims 35, 46-49, 62-64, 69, 74 and 86-94 were finally rejected. In response, applicant has cancelled the finally rejected claims to expedite issuance of the allowed claims. Applicants do *not* acquiesce in the final rejection of claims 35, 46-49, 62-64, 69, 74 and 86-94 and specifically reserve their rights to present the same or similar claims in one or more related patent application(s). Following entry of this Amendment, claims 1-10, 13-21, 36-44 50-58, 60, 61, 65-68, 75-85 and 95 are pending in the application and have been allowed. Early issuance of the Notice of Allowance and Notification of Issue Fee due is respectfully requested.

Comments on Statement of Reasons for Allowance

The Examiner noted, in paragraph 8 of the Office action, that "the primary reason for allowance is the inclusion of the steps of determining the induced tissue displacement and relating the induced tissue displacement with a physiological property of the CNS target tissue in all of the allowed independent claims." The language cited by the Examiner is drawn from allowed independent Claim 1. Allowed independent claims 36, 39, 50 do not include this language, yet they recite related methods and systems that are novel and non-obvious in light of the prior art, as more fully elucidated by applicants in their prior responses.

If there are any outstanding issues relating to the allowed claims and issuance of the patent application as a patent, the Examiner is invited to telephone the applicants' representative at the number listed below.

Respectfully submitted,



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Date: October 20, 2004
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